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SUBJECT: LIBERIA: TRC SUBMITS FIRST VOLUME OF FINAL REPORT
TO GOL

Classified By: Ambassador Thomas-Greenfield for reasons 1.4 B and D.

¶1. (C) SUMMARY: The Liberian Truth and Reconciliation Commission (TRC) submitted a confidential copy of Volume I of its final report, including its key findings and recommendations, to the GOL December 19, meeting the recommended December 21 deadline to avoid potential legal complications. TRC Chairman Jerome Verdier told PolOff the Commissioners had agreed on fifty people they will recommend for prosecution, but were afraid to include specific names in this first volume because there is still no mechanism to provide any security for the Commissioners or their families, and some of them have already received threats. He hoped the GOL (or donors) would get TRC senior staff 24-hour protection so that the names could be released with the subsequent three volumes due out around June 22. Verdier inquired as to whether it would be possible to get Temporary Protected Status for the Commissioners' families in the United States for as long as it takes to implement the TRC's recommendations. PolOff told him this was unlikely and asked him to continue pressing the GOL for protection from the Liberia National Police. END SUMMARY.

FIRST VOLUME OF FINAL REPORT TURNED IN ON TIME

¶2. (C) TRC Chairman Jerome Verdier told PolOff December 24 that a confidential copy of the first volume of the TRC's final report was turned into President Sirleaf, Senate Pro Tempore Isaac Nyenabo, and Speaker of the House Alex Tyler on December 19, before the December 21 deadline as recommended by legal experts. So far, the report has not been released to anyone else (including the International Contact Group on Liberia (ICGL), which has a mandate to oversee the TRC as part of the Comprehensive Peace Agreement). Although the Legislature extended the TRC's mandate by nine months from September 2008 until June 2009, it did so in a resolution that actually violates the original TRC Act, which only authorizes three-month extensions at a time. UN lawyers and the ICGL advised the TRC in September 2008 to turn in its final report to the GOL before December 21 (the last day of the first three months of the nine-month extension) in order to avoid potential lawsuits on the validity of recommendations made outside the extension period. (NOTE: The UN has advised the TRC that it believes perpetrators who will be potentially recommended for prosecution are already planning to use this loophole in court. END NOTE.)

SECURITY CONCERNS CAUSE TRC TO WITHHOLD SPECIFIC NAMES

¶3. (C) Verdier told PolOff that Volume I, in 108 pages, contains "the essential elements relating to the analysis, findings, and recommendations of the TRC," but no names of alleged perpetrators who may be recommended for prosecution. Verdier told PolOff that while he realized the omission of names in the pre-December 21 report left open a legal loophole for potential perpetrators to challenge later on, he could not risk the well-being of his colleagues or family as long as there is no security mechanism in place to protect

them. A few Commissioners have already received threats of physical violence from alleged perpetrators for the questions they asked during the perpetrators' hearings. The ICGL and PolOff have advised the TRC to request special protection from the GOL through the Liberia National Police. Verdier said the TRC made the request but has not heard back from the government. He told PolOff he was particularly concerned about the safety of his two sons attending elementary school in Monrovia and asked if USG would consider offering Temporary Protected Status in the United States for the Commissioners' families until the TRC's recommendations are implemented. PolOff told him this was unlikely. Other Commissioners told PolOff they plan to go to Ghana the day the names are released and stay "for at least six months" in order to avoid any possibility that they will be physically targeted.

REMAINING TRC ACTIVITIES AND THE REST OF THE REPORT

¶4. (C) Verdier told PolOff the TRC is on recess until January 12, but will resume its public hearings from January 15-February 15. In late February and early March, the TRC plans to hold county consultations to help with the report writing and then a National Reconciliation Conference in April. After this, the TRC will finish the other three volumes of the final report. Volume II will be a more detailed version of Volume I, but will also include the names of people recommended for prosecution, amnesty, and reparations. Volume III will contain reports on each of the 15 counties. Volume IV will be devoted to chapters on specific themes throughout the conflict (women, children, economic crimes, etc.) and the administration of the TRC.

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The remaining volumes are likely to be published (and Volume I will be made public) around June 22, the last day of the TRC's legislative extension.

COMMENT

¶5. (C) The ICGL should be pleased that the TRC submitted Volume I with its key findings and recommendations to the GOL before December 21 as the threat of potential lawsuits by perpetrators recommended for prosecution cannot be discounted. The fact their specific names were omitted in this submission, however, means that perpetrators are likely to use the illegal extension argument in court to challenge why they were included on the specific list. At the same time, the threat towards the physical safety of the Commissioners and their families is also real, so it is therefore understandable why Verdier made the choice not to include the names at this point. Although Volume I of the final report is supposed to be released in June at the same time as Volumes II, III, and IV, we suspect that it will be leaked by either the Executive branch or the Legislature before then. If its premature release in any way causes more physical threats against TRC staff or their families, then we can expect there to be continued requests for temporary status in the United States for all of them.

THOMAS-GREENFIELD